

AMENDED IN SENATE AUGUST 24, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 28, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 324

Introduced by Assembly Member Beall
(Principal coauthor: Assembly Member Yamada)

(Principal coauthor: Senator Liu)

(Coauthor: Assembly Member Bonnie Lowenthal Coauthors:
Assembly Members Bonnie Lowenthal, Ma, and Salas)

(Coauthors: Senators Hancock, Wiggins, and Wolk Wolk, and Yee)

February 18, 2009

An act to amend Sections 9002, 9014, 9100, 9102, 9400, and 9545, repeal, and add Sections 9100 and 9400 of, and to add Section 9009 to, and repeal Sections 9009 and 9400.5 of, the Welfare and Institutions Code, relating to aging, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 324, as amended, Beall. Aging: Elder Economic Security Standard Index.

Existing law, the Mello-Granlund Older Californians Act, creates the California Department of Aging, with prescribed duties, *including the development of the state plan on aging*.

This bill would require the department, beginning in 2010, to annually update the Elder Economic Security Standard Index (Elder Index), as defined, for each county. This bill would require the department to use the Elder Index to make prescribed calculations and analyses relating to elders living below the Elder Index's poverty threshold. This bill

would permit the department to contract with the office of the President of the University of California to carry out these requirements. This bill would also require the department to report Elder Index data to from the Elder Economic Security Standard Index (Elder Index), as defined, for each service area included in the state plan.

Existing law requires each area agency on aging to create a plan for its planning and service area that considers available data and population trends, assesses the need for services, identifies sources of funding for services, and develops and implements a plan for the delivery of services based on the need.

This bill would also require that the plan utilize the Elder Index, specify the cost of meeting basic needs for elders in each planning and service area, and identify which elders are living at or below the Elder Index, as prescribed.

This bill would request that the University of California take the necessary actions to update the Elder Index and provide it to area agencies on aging for purposes of developing the area plans. This bill would establish the California Elder Economic Security Standard Index Fund, to be composed of private donations, which would be continuously appropriated to the department for its administrative costs and for allocation to the University of California for purposes of updating the Elder Index, as specified. The bill would require the Director of Finance to determine, in writing, whether sufficient funds are available for the costs of updating the Elder Index, as specified. The area agencies on aging would not be required to develop the specified plan requirements if the University of California declines to update the Elder Index.

This bill would repeal the provisions of this bill on the date that the Director of Finance determines that sufficient moneys from private donations are not available in the fund for expenditure for purposes of updating the Elder Index.

~~Under existing law, the department allocates funds to area agencies on aging to implement various programs, with allocations to be made in accordance with a prescribed funding formula. Under existing law, the Linkages Program, a community-based services program, provides care and case management services to frail elderly and functionally impaired adults to help prevent or delay placement in nursing facilities.~~

~~This bill would also require area agencies on aging to annually update the intake form for the Linkages Program to include the most current Elder Index, in order to identify elders in economic need and refer these elders to other appropriate resources and programs.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—This act shall be known, and may be cited, as~~
2 ~~the Elder Economic Dignity Act of 2009.~~
3 ~~SEC. 2.—Section 9002 of the Welfare and Institutions Code is~~
4 ~~amended to read:~~
5 ~~9002. The Legislature finds and declares all of the following:~~
6 ~~(a) Programs shall be initiated, promoted, and developed through~~
7 ~~all of the following:~~
8 ~~(1) Volunteers and volunteer groups.~~
9 ~~(2) Partnership with local governmental agencies.~~
10 ~~(3) Coordinated efforts of state agencies.~~
11 ~~(4) Coordination and cooperation with federal programs.~~
12 ~~(5) Partnership with private health and social service agencies.~~
13 ~~(6) Participation by older individuals in the planning and~~
14 ~~operation of all programs and services that may affect them.~~
15 ~~(b) It shall be the policy of this state to give attention to the~~
16 ~~unique concerns of our most frail and vulnerable older individuals.~~
17 ~~(c) Recognizing the diversity in geography, economy, culture,~~
18 ~~and lifestyles in California and the diversity of local senior citizen~~
19 ~~networks, it shall be the policy of this state to encourage and~~
20 ~~emphasize local control to achieve the most effective blend of state~~
21 ~~and local authority.~~
22 ~~(d) In recognition of the many governmental programs serving~~
23 ~~seniors, and as specified in paragraph (2) of subdivision (c) of~~
24 ~~Section 9102, the California Department of Aging should~~
25 ~~coordinate, as existing resources permit, with other state~~
26 ~~departments in doing all of the following:~~
27 ~~(1) Promote clear and simplified access to information assistance~~
28 ~~and services arrangements.~~
29 ~~(2) Ensure that older individuals retain the right of free choice~~
30 ~~in planning and managing their lives.~~
31 ~~(3) Ensure that health and social services are available that do~~
32 ~~all of the following:~~
33 ~~(A) Allow older individuals to live independently at home or~~
34 ~~with others.~~

1 ~~(B) Provide for advocacy for expansion of existing programs~~
2 ~~that prevent or minimize illness or social isolation, and allow~~
3 ~~individuals to maximize their dignity and choice of living.~~

4 ~~(C) Provide for protection of older individuals from physical~~
5 ~~and mental abuse, neglect, and fraudulent practices.~~

6 ~~(4) Foster both preventive and primary health care, including~~
7 ~~mental and physical health care, to keep older individuals active~~
8 ~~and contributing members of society.~~

9 ~~(5) Encourage public and private development of suitable~~
10 ~~housing.~~

11 ~~(6) Develop and seek support for plans to ensure access to~~
12 ~~information, counseling, and screening.~~

13 ~~(7) Encourage public and private development of suitable~~
14 ~~housing and recreational opportunities to meet the needs of older~~
15 ~~individuals.~~

16 ~~(8) Encourage development of efficient community services~~
17 ~~including access to low-cost transportation services, that provide~~
18 ~~a choice in supported living arrangements and social assistance in~~
19 ~~a coordinated manner and that are readily available when needed.~~

20 ~~(9) Encourage and develop meaningful employment~~
21 ~~opportunities for older individuals.~~

22 ~~(10) Encourage the development of barrier-free construction~~
23 ~~and the removal of architectural barriers, so that more facilities~~
24 ~~are accessible to older individuals.~~

25 ~~(11) Promote development of programs to educate persons who~~
26 ~~work with older individuals in gerontology and geriatrics.~~

27 ~~(12) Encourage and support intergenerational programming and~~
28 ~~participation by community organizations and institutions to~~
29 ~~promote better understanding among the generations.~~

30 ~~(e) The California Department of Aging shall ensure that, to the~~
31 ~~extent possible, the services provided for in accordance with this~~
32 ~~division shall be coordinated and integrated with services provided~~
33 ~~to older individuals by other entities of the state. That integration~~
34 ~~may include, but not be limited to, the reconfiguration of state~~
35 ~~departments into a coordinated unit that can provide for multiple~~
36 ~~services to the same consumers. Services provided under this~~
37 ~~division shall be managed, directly or through contract, by local~~
38 ~~area agencies on aging or other local systems.~~

1 ~~SEC. 3.~~

2 ~~SECTION 1.~~ Section 9009 is added to the Welfare and
3 Institutions Code, to read:

4 9009. (a) “Elder Economic Security Standard Index” means
5 an index that quantifies the costs that elders face in meeting their
6 basic needs, including, but not limited to, food, shelter, health care,
7 transportation, utilities, and essential household items, in the private
8 market. It is derived by applying the existing publicly available
9 methodology, developed by the Wider Opportunities for Women
10 and Gerontology Institute *the Gerontology Institute at the*
11 *University of Massachusetts, Boston*, to publicly available data
12 sources on the costs to live in each county of the state.

13 (b) *This section shall remain in effect only until the date that*
14 *Section 9400.5 is repealed, and as of that date is repealed.*

15 ~~SEC. 4.~~ Section 9014 of the Welfare and Institutions Code is
16 amended to read:

17 9014. “Greatest economic need” means the need resulting from
18 an income level at or below the thresholds established by the Elder
19 Economic Security Standard Index.

20 ~~SEC. 5.~~

21 ~~SEC. 2.~~ Section 9100 of the Welfare and Institutions Code is
22 amended to read:

23 9100. (a) There is in the Health and Welfare Agency the
24 California Department of Aging.

25 (b) The department’s mission shall be to provide leadership to
26 the area agencies on aging in developing systems of home- and
27 community-based services that maintain individuals in their own
28 homes or least restrictive homelike environments.

29 (c) In fulfilling its mission, the department shall develop
30 minimum standards for service delivery to ensure that its programs
31 meet consumer needs, operate in a cost-effective manner, and
32 preserve the independence and dignity of aging Californians. In
33 accomplishing its mission, the department shall consider available
34 data and population trends in developing programs and policies,
35 collaborate with area agencies on aging, the commission, and other
36 state and local agencies, and consider the views of advocates,
37 consumers and their families, and service providers. The
38 department shall also report the Elder Economic Security Standard
39 Index data for each service area in its state plan.

(d) The minimum standards for its programs shall ensure that the system meets all of the following requirements:

(1) Have the flexibility to respond to the needs of individuals, their families and caregivers.

(2) Provide for consumer choice and self-determination.

(3) Enable consumers to be involved in designing and monitoring the system.

(4) Be equally accessible to diverse populations regardless of income, consistent with existing state and federal law.

(5) Have consistent statewide policy, with local control and implementation.

(6) Include preventive services and home- and community-based support.

(7) Have cost containment and fiscal incentives consistent with the delivery of appropriate services at the appropriate level.

(e) This section shall remain in effect only until the date that Section 9400.5 is repealed, and as of that date is repealed.

SEC. 3. Section 9100 is added to the Welfare and Institutions Code, to read:

9100. (a) There is in the Health and Welfare Agency the California Department of Aging.

(b) The department's mission shall be to provide leadership to the area agencies on aging in developing systems of home- and community-based services that maintain individuals in their own homes or least restrictive homelike environments.

(c) In fulfilling its mission, the department shall develop minimum standards for service delivery to ensure that its programs meet consumer needs, operate in a cost-effective manner, and preserve the independence and dignity of aging Californians. In accomplishing its mission, the department shall consider available data and population trends in developing programs and policies, collaborate with area agencies on aging, the commission, and other state and local agencies, and consider the views of advocates, consumers and their families, and service providers.

(d) The minimum standards for its programs shall ensure that the system meets all of the following requirements:

(1) Have the flexibility to respond to the needs of individuals, their families and caregivers.

(2) Provide for consumer choice and self-determination.

1 (3) *Enable consumers to be involved in designing and*
2 *monitoring the system.*

3 (4) *Be equally accessible to diverse populations regardless of*
4 *income, consistent with existing state and federal law.*

5 (5) *Have consistent statewide policy, with local control and*
6 *implementation.*

7 (6) *Include preventive services and home- and community-based*
8 *support.*

9 (7) *Have cost containment and fiscal incentives consistent with*
10 *the delivery of appropriate services at the appropriate level.*

11 (e) *This section shall become operative on the date that Section*
12 *9400.5 is repealed.*

13 ~~SEC. 6. Section 9102 of the Welfare and Institutions Code is~~
14 ~~amended to read:~~

15 ~~9102. The duties and powers of the department shall be:~~

16 ~~(a) To administer all programs under the Older Americans Act~~
17 ~~of 1965, as amended, and this division, including providing~~
18 ~~ongoing oversight, monitoring, and service quality evaluation to~~
19 ~~ensure that service providers are meeting standards of service~~
20 ~~performance established by the department. This shall include, but~~
21 ~~is not limited to, all of the following:~~

22 ~~(1) Setting program standards and providing standard materials~~
23 ~~for training.~~

24 ~~(2) Providing technical assistance to area agencies on aging,~~
25 ~~program managers, staff, and volunteers providing services.~~

26 ~~(3) Development of the state plan on aging according to federal~~
27 ~~law.~~

28 ~~(4) Maintain a clearinghouse of information related to the~~
29 ~~interests and needs of older individuals and provide referral~~
30 ~~services, if appropriate.~~

31 ~~(5) Maintain a management information and reporting system;~~
32 ~~including a database on service utilization patterns and~~
33 ~~demographic characteristics of the older population to be~~
34 ~~cross-classified by age, sex, race, and other information required~~
35 ~~for the planning process, and eliminate redundant and unnecessary~~
36 ~~reporting requirements.~~

37 ~~(6) Encourage and support the involvement of volunteers in~~
38 ~~services to older individuals.~~

39 ~~(7) Seek ways to utilize the private sector to assume greater~~
40 ~~responsibility in meeting the needs of older individuals.~~

~~(8) Encourage internships to be coordinated with schools of gerontology or related disciplines, including internships for older individuals.~~

~~(b) The department shall have primary responsibility for information received and dispersed to the area agencies on aging.~~

~~(c) The department shall be responsible for activities that promote the development, coordination, and utilization of resources to meet the long-term care needs of older individuals, consistent with its mission. The responsibilities shall include, but not be limited to, all of the following:~~

~~(1) Conduct research in the areas of alternative social and health care systems for older individuals.~~

~~(2) As specified in Section 9002, coordinate with agencies and departments that administer health, social, and related services for the purposes of policy development, development of care standards, consistency in application of policy, evaluation of alternative uses of available resources toward greater effectiveness in service delivery, including seeking additional federal and private dollars to support achievement of program goals, and ensure ongoing response to the identified special needs of the chronically impaired to provide support that maximizes their level of functioning.~~

~~(3) Monitor and evaluate programs and services administered by the department, utilizing standardized methodology.~~

~~(4) Develop and implement training and technical assistance programs designed to achieve program goals.~~

~~(5) Establish criteria for the designation, sanctioning, and defunding of area agencies on aging.~~

~~(d) In conjunction with the management information and reporting system required under paragraph (5) of subdivision (a), beginning in the 2006 calendar year, the department shall annually submit by January 10 of each year, to the budget, fiscal, and policy committees of the Legislature, and the Legislative Analyst, all of the following information:~~

~~(1) The number of persons served statewide in each of the prior and current fiscal years for each state or federally funded program or service administered by the department. This information shall also be provided for each area agency on aging service area.~~

~~(2) To the extent feasible, the number of unduplicated persons served statewide in the prior and current fiscal years for all state or federally funded programs and services administered by the~~

department. To the extent feasible, this information shall also be provided for each area agency on aging service area.

(3) Total estimated statewide expenditures in the prior, current, and budget fiscal years for each state or federally funded program or service administered by the department. This information shall also be provided for each area agency on aging service area.

(e) The report required by subdivision (d) shall be suspended until the 2010-11 fiscal year. In lieu of that information, the department shall submit to the budget, fiscal, and policy committees of the Legislature, and the Legislative Analyst, by March 1 of each year, copies of the program factsheets for each state and federal program administered by the department. The department shall update the information included in the program factsheets annually, before submitting them as required by this subdivision.

(f) The department shall annually, beginning in the 2010 calendar year, update the Elder Economic Security Standard Index for each county in the state, using the methodology developed for the 2008 Elder Economic Security Standard Index. The department shall annually, beginning in the 2010 calendar year, calculate the number, percentage, and demographic profile of elders living below the updated Elder Economic Security Standard Index for that year by utilizing the most recent demographic data available. The department shall analyze the number and percentage of elders living below the updated Elder Economic Security Standard Index for that year by county, race, ethnicity, gender, age, housing situation, and other relevant demographic factors. The department may contract with the office of the President of the University of California for purposes of carrying out the requirements of this subdivision.

~~SEC. 7.~~

SEC. 4. Section 9400 of the Welfare and Institutions Code is amended to read:

9400. (a) The Legislature hereby declares and recognizes the area agencies on aging to be the local units on aging in California that are supported from an array of sources, including federal funding largely through the federal Older Americans Act (42 U.S.C. Sec. 3001, et seq.), state and local government assistance, the private sector, and individual contributions for services.

1 (b) Area agencies on aging shall operate in compliance with the
2 Older Americans Act and applicable regulations.

3 (c) Each area agency on aging shall maintain a professional
4 staff that is supplemented by volunteers, governed by a board of
5 directors or elected officials, and whose activities are reviewed by
6 an advisory council consisting primarily of older individuals from
7 the community.

8 (d) (1) Each area agency on aging shall create a plan that
9 considers available data and population trends, ~~utilizes the Elder~~
10 ~~Economic Security Standard Index, specifies the costs of meeting~~
11 ~~basic needs for elders in each planning and service area, identifies~~
12 ~~which elders are living at or below the Elder Economic Security~~
13 ~~Standard Index,~~ assesses the needs for services provided under
14 this division reflective of the community needs, identifies sources
15 for funding those services, and develops and implements a plan
16 for delivery of those services based on those needs. Each plan shall
17 include developing area home- and community-based systems of
18 care that maintain individuals in their own homes or least restrictive
19 environment, providing better access to these services through
20 information and referral, outreach, and transportation, and
21 advocating for the elderly on local, state, and national levels.

22 (2) *Each plan shall utilize the Elder Economic Security Standard*
23 *Index, specify the costs of meeting basic needs for elders in each*
24 *planning and service area, and identify which elders are living at*
25 *or below the Elder Economic Security Standard Index. The*
26 *requirements of this paragraph shall be implemented only upon*
27 *receipt by the area agencies on aging of the updated Elder*
28 *Economic Security Standard Index pursuant to Section 9400.5.*

29 (e) Area agencies on aging shall function as the community link
30 at the local level for development of home- and community-based
31 services provided under the department's programs.

32 (f) The area agencies on aging shall implement subdivision (b)
33 of Section 9100 at the local level, with particular emphasis on
34 coordinating with the local systems to enable individuals to live
35 out their lives with maximum independence and dignity in their
36 own homes and communities through the development of
37 comprehensive and coordinated systems of home- and
38 community-based care. Nothing in this division shall preclude
39 local determination and designation of service coordinators other
40 than area agencies on aging, for development and implementation

1 of the long-term care integration pilot projects set forth in Article
2 4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3
3 of Division 9.

4 (g) In fulfilling their mission, area agencies on aging shall build
5 upon the resources and the commitment unique to each community
6 and shall be guided by a 10-point description of a community-based
7 system that shall do all of the following:

8 (1) Have a visible focal point of contact where anyone can go
9 or call for help, information, or referral on any aging issue.

10 (2) Provide a range of service options.

11 (3) Ensure that these options are readily accessible to all older
12 individuals, whether independent, semi-independent, or totally
13 dependent, no matter what their income.

14 (4) Include a commitment of public, private, and voluntary
15 resources committed to supporting the system.

16 (5) Involve collaborative decisionmaking among public, private,
17 voluntary, religious, and fraternal organizations, as well as older
18 individuals and consumers in the community.

19 (6) Offer special help or targeted resources for the most
20 vulnerable older individuals, those in danger of losing their
21 independence.

22 (7) Provide effective referral from agency to agency to ensure
23 that information or assistance is received, no matter how or where
24 contact is made in the community.

25 (8) Evidence sufficient flexibility to respond with appropriate
26 individualized assistance, especially for the vulnerable older
27 individuals.

28 (9) Have a unique character that is tailored to the specific nature
29 of the community.

30 (10) Be directed by leaders in the community who have the
31 respect, capacity, and authority necessary to convene all interested
32 persons to assess needs, design solutions, track overall success,
33 stimulate change, and plan community responses for the present
34 and for the future.

35 (h) *This section shall remain in effect only until the date that*
36 *Section 9400.5 is repealed, and as of that date is repealed.*

37 SEC. 5. *Section 9400 is added to the Welfare and Institutions*
38 *Code, to read:*

39 9400. (a) *The Legislature hereby declares and recognizes the*
40 *area agencies on aging to be the local units on aging in California*

1 *that are supported from an array of sources, including federal*
2 *funding largely through the federal Older Americans Act (42 U.S.C.*
3 *Sec. 3001, et seq.), state and local government assistance, the*
4 *private sector, and individual contributions for services.*

5 *(b) Area agencies on aging shall operate in compliance with*
6 *the Older Americans Act and applicable regulations.*

7 *(c) Each area agency on aging shall maintain a professional*
8 *staff that is supplemented by volunteers, governed by a board of*
9 *directors or elected officials, and whose activities are reviewed*
10 *by an advisory council consisting primarily of older individuals*
11 *from the community.*

12 *(d) Each area agency on aging shall create a plan that considers*
13 *available data and population trends, assesses the needs for*
14 *services provided under this division reflective of the community*
15 *needs, identifies sources for funding those services, and develops*
16 *and implements a plan for delivery of those services based on those*
17 *needs. Each plan shall include developing area home- and*
18 *community-based systems of care that maintain individuals in their*
19 *own homes or least restrictive environment, providing better access*
20 *to these services through information and referral, outreach, and*
21 *transportation, and advocating for the elderly on local, state, and*
22 *national levels.*

23 *(e) Area agencies on aging shall function as the community link*
24 *at the local level for development of home- and community-based*
25 *services provided under the department's programs.*

26 *(f) The area agencies on aging shall implement subdivision (b)*
27 *of Section 9100 at the local level, with particular emphasis on*
28 *coordinating with the local systems to enable individuals to live*
29 *out their lives with maximum independence and dignity in their*
30 *own homes and communities through the development of*
31 *comprehensive and coordinated systems of home- and*
32 *community-based care. Nothing in this division shall preclude*
33 *local determination and designation of service coordinators other*
34 *than area agencies on aging, for development and implementation*
35 *of the long-term care integration pilot projects set forth in Article*
36 *4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3*
37 *of Division 9.*

38 *(g) In fulfilling their mission, area agencies on aging shall build*
39 *upon the resources and the commitment unique to each community*

1 *and shall be guided by a 10-point description of a community-based*
2 *system that shall do all of the following:*

3 *(1) Have a visible focal point of contact where anyone can go*
4 *or call for help, information, or referral on any aging issue.*

5 *(2) Provide a range of service options.*

6 *(3) Ensure that these options are readily accessible to all older*
7 *individuals, whether independent, semi-independent, or totally*
8 *dependent, no matter what their income.*

9 *(4) Include a commitment of public, private, and voluntary*
10 *resources committed to supporting the system.*

11 *(5) Involve collaborative decisionmaking among public, private,*
12 *voluntary, religious, and fraternal organizations, as well as older*
13 *individuals and consumers in the community.*

14 *(6) Offer special help or targeted resources for the most*
15 *vulnerable older individuals, those in danger of losing their*
16 *independence.*

17 *(7) Provide effective referral from agency to agency to ensure*
18 *that information or assistance is received, no matter how or where*
19 *contact is made in the community.*

20 *(8) Evidence sufficient flexibility to respond with appropriate*
21 *individualized assistance, especially for the vulnerable older*
22 *individuals.*

23 *(9) Have a unique character that is tailored to the specific*
24 *nature of the community.*

25 *(10) Be directed by leaders in the community who have the*
26 *respect, capacity, and authority necessary to convene all interested*
27 *persons to assess needs, design solutions, track overall success,*
28 *stimulate change, and plan community responses for the present*
29 *and for the future.*

30 *(h) This section shall become operative on the date that Section*
31 *9400.5 is repealed.*

32 *SEC. 6. Section 9400.5 is added to the Welfare and Institutions*
33 *Code, to read:*

34 *9400.5. (a) The University of California is hereby requested*
35 *to take the necessary actions to update the Elder Economic Security*
36 *Standard Index and provide it to the area agencies on aging for*
37 *purposes of developing the area plan required by subdivision (d)*
38 *of Section 9400.*

39 *(b) (1) The department may accept voluntary contributions, in*
40 *cash or in-kind, for allocation to the University of California to*

1 *pay for the costs of updating the Elder Economic Security Standard*
2 *Index that will be used to develop the elements of the area plan*
3 *required by paragraph (2) of subdivision (d) of Section 9400. These*
4 *private donations shall be deposited into the California Elder*
5 *Economic Security Standard Index Fund, which is hereby created*
6 *in the State Treasury, which, notwithstanding Section 13340 of*
7 *the Government Code, is hereby continuously appropriated to the*
8 *department for administrative costs, as provided for in subdivision*
9 *(c), and for allocation to the University of California for purposes*
10 *of updating the Elder Economic Security Standard Index that will*
11 *be used by the area agencies on aging to develop the elements of*
12 *the area plan, required by paragraph (2) of subdivision (d) of*
13 *Section 9400.*

14 *(2) No state funds shall be used for purposes of updating the*
15 *Elder Economic Security Standard Index. In addition, the*
16 *department shall not apply for grants or solicit private funds in*
17 *order to pay for the costs of updating the Elder Economic Security*
18 *Standard Index.*

19 *(c) The department's administration costs shall not exceed 5*
20 *percent of the moneys in the California Elder Economic Security*
21 *Standard Index Fund. Any costs incurred by the department*
22 *pursuant to this section prior to the deposit of moneys into the*
23 *fund shall be reimbursed to the department from moneys in the*
24 *fund.*

25 *(d) (1) Six months prior to the date next immediately following*
26 *January 1, 2010, that an area agency on aging is required to*
27 *submit the four-year area plan required pursuant to subdivision*
28 *(d) of Section 9400 to the department and every four years*
29 *thereafter, the Director of Finance shall determine, in writing,*
30 *whether there are sufficient moneys from private donations*
31 *available in the fund for expenditure for purposes of updating the*
32 *Elder Economic Security Standard Index. If sufficient moneys are*
33 *available, then the department shall allocate the moneys in the*
34 *fund to the University of California to pay for the costs of updating*
35 *the Elder Economic Security Standard Index.*

36 *(2) If the University of California declines to update the Elder*
37 *Economic Security Standard Index pursuant to this section, then*
38 *the area agencies on aging shall not be required, for purposes of*
39 *creating that four-year area plan, to comply with paragraph (2)*
40 *of subdivision (d) of Section 9400.*

1 (3) *If the Director of Finance determines that sufficient moneys*
2 *are not available, then the amount in the fund shall be immediately*
3 *distributed to the contributors and the fund shall cease to exist*
4 *thereafter.*

5 (4) *The Director of Finance shall submit a copy of his or her*
6 *determination made pursuant to this subdivision to the Chief Clerk*
7 *of the Assembly and to the Secretary of the Senate.*

8 (e) *This section shall remain in effect only until the date that*
9 *the Director of Finance determines, pursuant to paragraph (3) of*
10 *subdivision (d), that sufficient moneys from private donations are*
11 *not available in the fund for expenditure for purposes of updating*
12 *the Elder Economic Security Standard Index, and as of that date*
13 *is repealed.*

14 ~~SEC. 8. Section 9545 of the Welfare and Institutions Code is~~
15 ~~amended to read:~~

16 ~~9545. (a) The Legislature finds and declares that the purpose~~
17 ~~of the Linkages Program shall be to provide care and case~~
18 ~~management services to frail elderly and functionally impaired~~
19 ~~adults to help prevent or delay placement in nursing facilities. For~~
20 ~~purposes of this section, "care or case management" means all of~~
21 ~~the following:~~

22 ~~(1) As appropriate, ongoing care or case management to frail~~
23 ~~elderly and functionally impaired adults to help prevent or delay~~
24 ~~placement in nursing facilities.~~

25 ~~(2) Client assessment, in conjunction with the development of~~
26 ~~a service plan with the participant and other appropriate persons,~~
27 ~~to provide for needs identified by the assessment.~~

28 ~~(3) Authorization and arrangement for the purchase of services,~~
29 ~~or referral, with followup, to volunteer, informal, or third-party~~
30 ~~payer services. Contractors shall maximize to the fullest extent~~
31 ~~possible the use of existing services resources before using program~~
32 ~~funds to purchase services for clients. Any benefits received as a~~
33 ~~result of these purchases either shall not be considered income for~~
34 ~~purposes of programs provided for under Division 9 (commencing~~
35 ~~with Section 10000) or shall not be considered an alternative~~
36 ~~resource pursuant to Section 12301.~~

37 ~~(4) Service and participant monitoring to determine that the~~
38 ~~services obtained are appropriate to need, of acceptable quality,~~
39 ~~and provided in a timely manner.~~

1 ~~(5) Follow up with clients, including periodic contact and~~
2 ~~initiation of an interim assessment, if deemed necessary, prior to~~
3 ~~scheduled reassessment.~~

4 ~~(6) Assistance to older individuals entering or returning home~~
5 ~~from nursing facilities and who need help to make the transition.~~

6 ~~(7) Comprehensive and timely information, when necessary, to~~
7 ~~individuals and their families about the availability of community~~
8 ~~resources, to assist functionally impaired adults and the frail elderly~~
9 ~~to maintain the maximum independence permitted by their~~
10 ~~functional ability.~~

11 ~~(8) Short-term specialized assistance, including timely one-time~~
12 ~~only assistance in securing community resources, counseling, and~~
13 ~~the arrangement of an action plan, when there is a temporary~~
14 ~~probable threat to the ability of the frail elderly person or~~
15 ~~functionally impaired adult to remain in the most independent~~
16 ~~living arrangement permitted by his or her functional ability.~~

17 ~~(b) Area agencies on aging shall be required to annually update~~
18 ~~the Linkages Program intake form to include the most current~~
19 ~~Elder Economic Security Standard Index, as adopted by the~~
20 ~~department pursuant to Section 9102, in order to identify elders~~
21 ~~in economic need and to refer these elders to other resources and~~
22 ~~programs.~~

23 ~~(c) Contractors of the Linkages Program shall have experience~~
24 ~~in community long-term care services and capability to serve the~~
25 ~~frail elderly and functionally impaired adults, and where applicable,~~
26 ~~ensure separateness of the programs and demonstrate protective~~
27 ~~measures to avoid conflict of interest.~~

28 ~~(d) Contractors of the Linkages Program shall have a systematic~~
29 ~~means of capturing and reporting all required community-based~~
30 ~~services program data.~~

31 ~~(e) (1) Each county shall deposit funds collected pursuant to~~
32 ~~Section 1465.5 of the Penal Code in its general fund, to be available~~
33 ~~for use only for the support of services provided under this chapter~~
34 ~~in that county, including county administrative costs not exceeding~~
35 ~~10 percent of the funds collected, except as otherwise provided in~~
36 ~~this subdivision. A county may join with other counties to establish~~
37 ~~and fund a program of services under this chapter.~~

38 ~~(2) Funds utilized pursuant to this section shall not supplant, be~~
39 ~~offset against, or in any way reduce funds otherwise appropriated~~
40 ~~for the support of services provided under this chapter.~~

1 ~~SEC. 9.~~

2 SEC. 7. Nothing in this act shall be construed to mandate
3 changes in the current funding allocations to area agencies on aging
4 made pursuant to subparagraph (A) of paragraph (2) of subdivision
5 (b) of Section 9112 of the Welfare and Institutions Code.

6 SEC. 8. *Nothing in this act shall be construed, based on the*
7 *use of the Elder Economic Security Standard Index, to affect*
8 *means-tested programs administered through the Mello-Granlund*
9 *Older Californians Act.*

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